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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,665	01/26/2004	Kaoru Taneichi	F-8120	8787

28107 7590 07/27/2005  
JORDAN AND HAMBURG LLP  
122 EAST 42ND STREET  
SUITE 4000  
NEW YORK, NY 10168

EXAMINER
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SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/764,665

Applicant(s)

TANEICHI, KAORU

Examiner

Flemming Saether

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-15 is/are pending in the application.
- 4a) Of the above claim(s) 4, 9 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5-8, 10-13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Election Restriction***

Applicant's election of species E, Figs. 40-42 is acknowledged and since applicant did not argue the restriction, it is considered as being made without traverse. Applicant reads claims 2, 3, 5-8, 10-13 and 15 on the elected embodiment. Claims 4, 9 and 14 are hereby withdrawn.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 5-8, 10-13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 2, line 5 and similarly in claims 6, line 6, there is no antecedent basis for "said outer end" and in claim 11, line 11, there is no antecedent for "said fitting part". Importantly, in the last couple of paragraph in each of independent claims 2, 6 and 11 and claims 7 and 12 it is unclear what limitation are intended by "engagement means", "fitting piece" and "fitting part" since there is only a single feature (17A in Figs. 40-42) disclosed which can read on the claimed limitations. Therefore, it appears that the same feature is claimed by three different and separate limitations which makes the claims indefinite. Although, not elected, claim 4, includes a "support piece" which again appears to refer to the same feature. The claims were examined as best understood.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Meredith (US 5,566,936). Meredith discloses a fastener (16) in combination with an attachment member (18) having a receiving hole (28); the nut includes an attachment part (24) being freely received in the receiving hole and a fitting part (30) which is deformed outward (Figs. 3-5) for retaining the attachment part within the hole and the nut to the attachment member. The attachment part has a smaller outside diameter than an inside diameter of the receiving hole (column 2, lines 39-42) and a portion of the nut body adjacent the attachment part abuts the attachment member (see Figs. 5 and 6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith in view of Weddendorf (US 5,340,252). Meredith discloses a fastener in

Art Unit: 3677

combination with an attachment member including feature as described above but, does not disclose the nut as a quick connect nut. Weddendorf discloses a quick connect nut comprising a hexagonal exterior, an inner conical portion (26) including guideposts (57) receiving a plurality of nut segments (41), a stop flange (36) having an aperture and, a spring biasing the nut segments. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the nut of Meredith a quick connect nut as disclosed in Weddendorf in order to quicken the attachment of the nut onto the terminal post in Weddendorf. The skilled artisan would find the quicker advantageous since it would speed the assembly of the battery cable to the battery terminal by allowing for the cable connector to be simply pushed onto the terminal.

Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith or Meredith in view of Weddendorf as applied to claims 6 and 11 above, and further in view of Fultz (US 4,986,712). Meredith, alone, or as modified by Weddendorf does not disclose plurality of fitting pieces. Fultz teaches a fastener in (10) in combination with an attachment member (20) with a plurality of fitting pieces (30) preventing separation. At the time the invention was made, it would have been an obvious matter of design choice for one of ordinary skill in the art to replace the fitting piece of Meredith with a plurality of fitting pieces as taught in Fultz since both would operate in the same manner

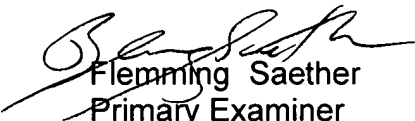
**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Flemming Saether  
Primary Examiner  
Art Unit 3677